



Atty Docket No. 80398.P443

Patent

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:)	Examiner:	Gillis, B.
)		
Gaxiola, et al.)	Art Unit:	2141
)		
Application No. 10/033,407)	Confirm. No:	8558
)		
Filed: December 26, 2001)		
)		
For: DEVICE BASED DETECTION)		
OF USER PREFERENCES IN A)		
HOME NETWORKING)		
ENVIRONMENT)		

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

This is an appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner of Group 2141, mailed June 23, 2006, in which claims 1-2, 4-11, and 13-32 in the above-identified application were rejected in a final action. This Appeal Brief is hereby submitted pursuant to 37 C.F.R. § 41.37(a).

I. REAL PARTY IN INTEREST

The real parties in interest are the assignees of the full interest in the invention:
Sony Electronics, Inc., Park Ridge, New Jersey, and Sony Corporation, Tokyo, Japan.

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II. RELATED APPEALS AND INTERFERENCES

To the best of Appellant's knowledge, there are no appeals or interferences related to the present appeal that will directly affect, be directly affected by, or have a bearing on the Board's decision in the instant appeal.

III. STATUS OF THE CLAIMS

Claims 1-2, 4-11, and 13-32 are pending in the application and were finally rejected in an Office Action mailed June 23, 2006. Claims 3 and 12 are canceled. Claims 1-2, 4-11, and 13-32 are the subject of this appeal. A copy of Claims 1-2, 4-11, and 13-32 as they stand on appeal are set forth in Appendix A.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made after receipt of the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Appellant's invention as claimed in claims 1-2, 4-11, and 13-32 is directed to configuring a shared network access device that is accessible to a consumer device and another device coupled to a network [Specification, Figure 1, paragraph 11].

Independent claims 1 and 10 also claim detecting, by a custom settings manager, a coupling of the consumer device to a network [Specification, paragraph 11]. In addition, claims 1 and 10 claim remotely identifying a presumed user corresponding to an implied owner of the consumer device [Specification, Figure 2, paragraphs 13 and 15]. Furthermore, claims 1 and 10 claim provisioning a user service available in the network according to user preferences associated with the presumed user [Specification, Figure 2, paragraphs 13, 15, 19, and 21].

Independent claim 19 also claims a user profile comprising user preferences of a presumed user associated with an implied owner of the consumer device [Specification, paragraphs 13, 15, and 22-23]. Furthermore, claim 19 claims a custom settings manager that, in response to the device being coupled to the network, remotely identifies the

device user, access the user profile, and provisions a user service available in the network [Specification, Figure 2, paragraphs 13, 15, 19, and 21].

Independent claim 25 also claims a plurality of consumer devices selectively coupled to the network [Specification, Figure 1, paragraphs 11-13]. In addition, claim 25 claims a custom settings manager configured to remotely identify a presumed user corresponding to an implied owner of the devices, and to provision a user service available in the network [Specification, Figure 2, paragraphs 13, 15, 19, and 21].

Dependent claim 6 depends from independent claim 1 and claims identifying a user who has most recently used the consumer device [Specification, paragraph 28].

Dependent claim 7 depends from independent claim 1 and claims unloading a service according to user preferences [Specification, paragraph 20].

Dependent claim 21 depends from independent claim 19 and claims that the user is associated to the consumer device by examining the other devices and services on the network [Specification, paragraph 26].

Dependent claim 22 depends from independent claim 19 and claims that the user is associated to the last user of the consumer device [Specification, paragraph 20].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

I. Claims 1, 2, 4, 5, 10, 11, 13, and 14 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris, U.S. Patent No. 5,557,748 in view of Ricart et al., U.S. Patent Publication No. 2002/0165906, and Narayanaswami, U.S. Patent No. 6,980,175.

II. Claims 6 and 15 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris in view of Ricart, Narayanaswami, and Dharmadhikari et al., US Patent Publication No. 2003/0065816.

III. Claims 7-9 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being obvious over Norris in view of Ricart, Narayanaswami, and Reed, US Patent 6,754,504.

IV. Claims 19, 20, 23-26, and 29-32 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dharmadhikari in view of Ricart and Narayanaswami.

V. Claims 21 and 27 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dharmadhikari in view of Ricart, Narayanaswami, and Norris.

VI. Claims 22 and 28 stand rejected under 35 U.S.C. § 103(a) as being obvious over Dharmadhikari in view of Ricart, Narayanaswami, and Bunney, U.S. Patent No 6,487,584.

VII. ARGUMENTS

I. Claims 1, 2, 4, 5, 10, 11, 13 are Patentable under 35 U.S.C. § 103(a) over Norris in view of Ricart and Narayanaswami, because the combination does not teach or suggest all elements in the claims.

Claims 1, 2, 4, 5, 10, 11, and 13 stand or fall together. Independent claim 1 is the representative claim.

Norris discloses configuring a computer attached to a network based on an analysis of the traffic flowing on the network. The computer analyzes the traffic on the network to determine the users participating in the network. The computer compares the users participating in the network with a list of known user participant patterns. If there is a match with a known user pattern, then the computer configures itself with network parameters associated with the known participants.

Ricart discloses personalizing a new computer based on stored personalization information of an old computer. The new computer is personalized after the new computer replaces the old computer. In addition, the system personalizes a network of computers by personalizing the new local server, storing the personalization information for networked workstations on the new local server and personalizing the workstations.

Narayanaswami discloses configuring consumer devices with a smart pointing device. The devices configurable by the smart pointing are personal computers, personal digital assistants, and cell phones. The smart pointing device can configure a device coupled to the smart pointing device or another consumer device adjunct to the coupled device.

Appellant respectfully submits that the combination of Norris, Ricart and Narayanaswami does not teach or suggest each and every element of claim 1. Claim 1 recites configuring a shared network access device according to user preferences, where the network access device is accessible by the consumer device and another device

coupled to the network. The Examiner admits that Norris and Ricart do not teach or suggest configuring a shared network access device according to user preferences and relies on Narayanaswami as disclosing this element. Nevertheless, Narayanaswami does not teach or suggest configuring a shared network access device according to user preferences because the reference discloses only configuring a consumer device, such as a personal computer, personal digital assistant, or cell phone. Furthermore, Narayanaswami does not teach or suggest configuring a “shared network access device” that is different from a “consumer electronic device”, as claimed. Thus, none of Norris, Ricart, or Narayanaswami disclose this claim element in claim 1.

In addition, independent claim 1 recites that such a configurable “shared network access device” is accessible by the “consumer electronic device” and also by another device coupled to the network. In contrast, Narayanaswami makes no disclosure that teaches or suggests that the “shared network access device” is accessible by Narayanaswami’s “consumer electronic device” and another device coupled to the network. Therefore, Appellant respectfully submits that Norris, Ricart, and Narayanaswami do not teach or suggest this further claim limitation in claim 1.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 1, 2, 4, 5, 10, 11, and 13 under 35 U.S.C. § 103(a) over the combination of Norris, Ricart, and Narayanaswami.

II. Claims 6 and 15 are Patentable under 35 U.S.C. § 103(a) over Norris in view of Ricart, Narayanaswami, and Dharmadhikari because the combination does not teach or suggest all elements in the claims.

Claims 6 and 15 stand of fall together. Dependent claim 6 is the representative claim.

Dharmadhikari discloses modifying a routing table based on a selected network interface of a local computer. A policy manager selects the network interface by matching the characteristics of the network interface with a set of user preferences.

Appellant respectfully submits that the combination does not teach or suggest each and every limitation of Appellant’s claim 6. Claim 6 depends from independent claim 1. Independent claim 1 recites configuring a shared network access device

according to user preferences, where the network access device is accessible by the consumer device and another device coupled to the network. In contrast, Dharmadhikari only receives the user preferences to configure a local computer and does not teach or suggest configuring a shared home network device as claimed in claim 1. Furthermore, none of Norris, Ricart or Narayanaswami teach or suggest this claim limitation. Therefore, the combination cannot render obvious Appellant's claim 6.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 6 and 15 under 35 U.S.C. § 103(a) over the combination of Dharmadhikari, Norris, Ricart and Narayanaswami.

III. Claims 7-9 and 16-18 are Patentable under 35 U.S.C. § 103(a) over Norris in view of Ricart, Narayanaswami, and Reed because the combination does not teach or suggest all elements in the claims.

Claims 7-9 and 16-18 stand or fall together. Dependent claim 7 is the representative claim.

Reed discloses controlling a user's environmental condition within a predefined area based on the user's preference.

Claim 7 depends from independent claim 1. Independent claim 1 recites configuring a shared network access device according to user preferences, where the network access device is accessible by the consumer device and another device coupled to the network. However, because Reed does not teach or suggest a shared network access device, Reed cannot be properly interpreted as disclosing the claimed element in claim 1. As stated above, none of Norris, Ricart, or Narayanaswami teach or suggest this element as claimed in claim 1. Therefore, the combination cannot render obvious Appellant's claim 7.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 7-9 and 16-18 under 35 U.S.C. § 103(a) over the combination of Norris, Ricart, Narayanaswami, and Reed.

IV. Claims 19, 20, 23-26, and 29-32 are Patentable under 35 U.S.C. § 103(a) over Dharmadhikari in view of Ricart and Narayanaswami, because the combination does not teach or suggest all elements in the claims.

Claims 19, 20, 23-26, and 29-32 stand or fall together. Independent claim 19 is the representative claim.

Independent claim 19 recites configuring a shared network access device according to user preferences, where the network access device is accessible by the consumer device and another device coupled to the network. As stated above, none of Dharmadhikari, Ricart, or Narayanaswami teach or suggest this claim element.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 19, 20, 23-26, and 29-32 under 35 U.S.C. § 103(a) over the combination of Dharmadhikari, Ricart, or Narayanaswami.

V. Claims 21 and 27 are Patentable under 35 U.S.C. § 103(a) over Dharmadhikari in view of Ricart, Narayanaswami, and Norris because the combination does not teach or suggest all elements in the claims.

Claims 21 and 27 stand or fall together. Dependent claim 21 is the representative claim.

Independent claim 19, from which claim 21 depends from, recites configuring a shared network access device according to user preferences, where the network access device is accessible by the consumer device and another device coupled to the network. As stated above, none of Dharmadhikari, Ricart, Narayanaswami, or Norris teach or suggest this claim element in claim 19. Therefore, the combination cannot render obvious Appellant's claim 21.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 21 and 27 under 35 U.S.C. § 103(a) over the combination of Dharmadhikari, Ricart, Narayanaswami, and Norris.

VI. Claims 22 and 28 are Patentable under 35 U.S.C. § 103(a) over Dharmadhikari in view of Ricart, Narayanaswami, and Bunney because the combination does not teach or suggest all elements in the claims.

Claims 22 and 28 stand or fall together. Dependent claim 22 is the representative claim.

Bunney discloses associating multiple terminal addresses with a user to allow the user access a common home page from multiple user terminals.

Independent claim 19, from which claim 22 depends from, recites configuring a shared network access device according to user preferences, where the network access device is accessible by the consumer device and another device coupled to the network. However, because Bunney only discloses associating multiple terminal addresses with a user, Bunney cannot teach or suggest configuring a shared network access device as claimed. As stated above, none of Dharmadhikari, Ricart, or Narayanaswami teach or suggest this claimed element in claim 19. Therefore, the combination cannot render obvious Appellant's claim 22.

Accordingly, Appellant respectfully requests the withdrawal of the rejection of the claims 22 and 28 under 35 U.S.C. § 103(a) over the combination of Dharmadhikari, Ricart, Narayanaswami, and Bunney.

VIII. CONCLUSION

Appellant's claims 1, 2, 4, 5, 10, 11, 13, and 14 are patentable because the combination of Norris, Ricart and Narayanaswami do not teach or suggest all limitations in the claims. Appellant's claims 6 and 15 are patentable because the combination of Norris, Ricart, Narayanaswami, and Dharmadhikari do not teach or suggest all the limitations in the claims. Appellant's claims 7-9 and 16-18 are patentable because the combination of Norris, Ricart, Narayanaswami, and Reed do not teach or suggest all the limitations in the claims. Appellant's claims 19, 20, 23-26, and 29-32 are patentable because the combination of Dharmadhikari, Ricart, and Narayanaswami do not teach or suggest all the limitations in the claims. Appellant's claims 21 and 27 are patentable because the combination of Dharmadhikari, Ricart, Narayanaswami, and Norris do not teach or suggest all the limitations in the claims. Appellant's claims 22 and 28 are patentable because the combination of Dharmadhikari, Ricart, Narayanaswami, and Bunney do not teach or suggest all the limitations in the claims. Accordingly, Appellant respectfully requests the Board reverse the rejections of claims 1-2, 4-11, and 13-32 under

35 U.S.C. § 103(a), and direct the Examiner to enter a Notice of Allowance for claims 1-2, 4-11, and 13-32.

Fee for Filing a Brief in Support of Appeal

Enclosed is a check in the amount of \$500.00 to cover the fee for filing a brief in support of an appeal as required under 37 C.F.R. §§ 1.17(c) and 41.37(a).


Deposit Account Authorization

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Appellant hereby requests such extension.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR
& ZAFMAN LLP

Dated: 12/22, 2006


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**CLAIMS APPENDIX FOR
APPELLANT'S BRIEF UNDER 37 C.F.R. 41.37(a)**

1. (Previously Presented) A computerized method comprising:
 - detecting, by a custom settings manager, a coupling of a consumer device to a network;
 - remotely identifying a presumed user corresponding to an implied owner of the consumer device;
 - provisioning a user service available in the network according to user preferences associated with the identified presumed user; and
 - configuring a shared network access device according to the user preferences, wherein the shared network access device is accessible by the consumer device and by another device coupled to the network.
2. (Previously Presented) The method of claim 1 wherein the consumer device includes

the user service.

3. (Canceled)

4. (Original) The method of claim 1 wherein the identifying comprises identifying the user by user usage patterns.

5. (Previously Presented) The method of claim 1 wherein the identifying is determined by examining other devices and services on the network.

6. (Previously Presented) The method of claim 1 wherein the identifying comprises identifying a user who has most recently used the consumer device.

7. (Previously Presented) The method as set forth in claim 1, further comprising unloading another service according to the user preferences.

8. (Previously Presented) The method as set forth in claim 1, further comprising loading the service according to the user preferences of the identified user.

9. (Previously Presented) The method of claim 1 wherein the identifying comprises querying a data store which associates a set of consumer devices and identities of users of the set of consumer devices.

10. (Previously Presented) A machine-readable medium having executable instructions to cause a machine to perform a method comprising:

detecting, by a custom settings manager, a coupling of a consumer device to a network;

remotely identifying a presumed user corresponding to an implied owner of the consumer device;

provisioning a user service available in the network according to user preferences associated with the identified presumed user; and

configuring a shared network access device according to the user preferences,
wherein the shared network access device is accessible by the consumer device and by
another device coupled to the network.

11. (Previously Presented) The machine-readable medium of claim 10 wherein the
consumer device includes a service.

12. (Canceled)

13. (Original) The machine-readable medium of claim 10 wherein the identifying
comprises identifying the user by user usage patterns.

14. (Previously Presented) The machine-readable medium of claim 10 wherein the
identifying is determined by examining other devices and services on the network.

15. (Previously Presented) The machine-readable medium of claim 10 wherein the
identifying comprises identifying a user who has most recently used the consumer device.

16. (Previously Presented) The machine-readable medium as set forth in claim 10, further
comprising unloading another service according to the user preferences.

17. (Previously Presented) The machine-readable medium as set forth in claim 10, further
comprising loading the service according to the user preferences of the identified user.

18. (Previously Presented) The machine-readable medium of claim 10 wherein the
identifying comprises querying a data store which associates a set of consumer devices
and identities users of the set of consumer devices.

19. (Previously Presented) A system comprising:

a consumer device;

a shared network access device coupled to the consumer device;

a user profile comprising user preferences of a presumed user associated with an implied owner of the consumer device; and

a custom setting manager that, in response to the device being coupled to a network, remotely identifies the user of the device, accesses the user profile, provisions a user service available in the network, and configures the shared network access device according to the user preferences, wherein the shared network access device is accessible by the consumer device and by another device coupled to the network.

20. (Original) The system of claim 19 wherein the user is associated to the consumer device by user usage patterns.

21. (Original) The system of claim 19 wherein the user is associated to the consumer device by examining the other devices and services on the network.

22. (Original) The system of claim 19 wherein the user is associated to the last user of the consumer device.

23. (Original) The system of claim 19, wherein the user profile further comprises: an association between the user and the consumer device.

24. (Original) The system of claim 19, further comprising: a user manager to detect when the consumer device is coupled.

25. (Previously Presented) A system comprising:

a network;

a shared network access device coupled to the network;

a plurality of consumer devices selectively coupled through the network; and

a custom settings manager configured to remotely identify a presumed user corresponding to an implied owner of the devices, to access user preferences associated with the user, to provision a user service available in the network, and to selectively configure the shared network access device based upon the user preferences, wherein the

shared network access device is accessible by the consumer device and by another device coupled to the network.

26. (Previously Presented) The system of claim 25 wherein the identifying comprises identifying the user from the user usage patterns.

27. (Previously Presented) The system of claim 25 wherein the identifying comprises identifying the user by examining other devices and services currently coupled to the network.

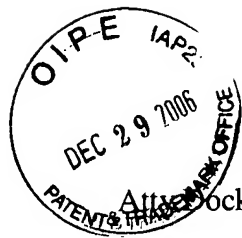
28. (Previously Presented) The system of claim 25 wherein the identifying comprises identifying a user who has most recently used the consumer device.

29. (Previously Presented) The system of claim 25 further comprising: a user manager that detects a coupling of a consumer device to the network.

30. (Original) The system of claim 25, wherein the identification is accomplished by querying a preferences database.

31. (Original) The system of claim 25, wherein the accessing and configuring are performed by a preference agent.

32. (Previously Presented) The system of claim 25 where the plurality of consumer devices includes a service, the service to be identified in the user preferences.



Patent Docket No. 80398.P443

Patent

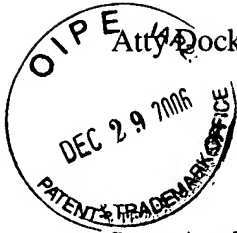
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**EVIDENCE APPENDIX FOR
APPELLANT'S BRIEF UNDER 37 C.F.R. 41.37(a)**

NONE.



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**RELATED PROCEEDINGS APPENDIX FOR
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NONE.